IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2064 OF 2003
IN
INCOME TAX APPEAL (LODG.) NO.685 OF 2003

The Commissioner of Income Tax, Mumbai .. Appellant
V/s
Shri.Mohanlal Hansraj Jain .. Respondent

Mr.R.G.Bhat for the Appellant.
Mr.A.K.Jasani for the Respondent.

CORAM : DR.S.RADHAKRISHNAN &
J.P.DEVADHAR, JJ.

DATE : 5th March, 2007.

P.C.:

1. The learned Counsel for the Appellant seeks leave to withdraw the Notice of Motion since the question of law involved in the Appeal is squarely covered by the judgment of the Supreme Court in the case of **Commissioner of Income Tax V/s.D.P.Sandu Bros.- (2005) 273 ITR 1,** against the Revenue. Hence, Notice of Motion is allowed to be withdrawn and dismissed as such.

(J.P.DEVADHAR, J.) **(DR.S.RADHAKRISHNAN,J.)**